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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,407	04/12/2004	Richard Postrel	390-002RP	3237
24002	7590	09/14/2006	EXAMINER	
ANTHONY R. BARKUME 20 GATEWAY LANE MANORVILLE, NY 11949			WIN, AUNG T	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/14/2006.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/823,407	Applicant(s) POSTREL, RICHARD	
	Examiner Aung T. Win	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-12, 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 07/11/2006 with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US 20020042846A1) in view of Dodrill (US007069309B1).

- 2.1 Regarding Claim 1, Bottan discloses a system and method of operating a notification and response system [personal support network; Figure 1].

Bottan method discloses setting a subscriber ID (Subscriber ID reads on unique contact address; see subscriber ID of message 114; Figure 1) [Step 203; Figure 2] [Paragraph 0107, Line 1-6]) (reads on step a). Moreover, identifying telecommunications service subscribers by assigning a unique ID to each of telecommunications service subscribers is obvious to skill in the art in order to uniquely identify and designate each service subscriber.

Bottan method further comprises;

(b) Enabling the subscribers to registers with the notification and response system for notifications and response services [Paragraph 0032, Line 4-7] [Paragraph 0174, Line 1-5] (reads on step b);

(c) Generating a profile for each user [0034-0105] [case H on Paragraph 0124], the profile comprising parameters for associated user that indicate at least one group to which the user belongs [Paragraph 0147, Line 22-27] [Paragraph 0149, Line 1-3 & 21-24] [Paragraph 0161, Line 1-3]; in which

(Group includes Family members, Friends, Physicians, Dentists, Pharmacists, Lawyers, Accounts and Financial advisors, Neighbors, Support groups, Service providers, work colleagues, key clients in Business network based on their business needs or information, members in organizations & School staff, parents, any individual or organizations as stated in [Paragraph 0034-0104], [cases A to M]) or (user's current location as stated in [Paragraph 0149, Line 1-3];

(d) Generating a message (event message 114; [Figure 1] [Paragraph 0107 & 0108] [Paragraph 0143, Line 1-4] in which is event message is generated by a subscriber [See Cases A-M as stated above]) (subscriber is also organization such as military organization) for broadcast transmission to a group of users [See Cases A to M as stated above]; said message having associated therewith a set of rules (i.e., message includes event type ID which is associated with a set of predefined rules for the event such as Cases A to M stated above [Also see Rule Definition Procedure on

Page 6]) indicating which of the users that are intended to receive said message based on user parameters (based on user's information as stated above [0034-0105]);

(e) Broadcasting, utilizing the unique contact address of each user [Paragraph 0159, Line 1-17] [Paragraph 0160, Line 1-5] [Paragraph 0163] [Paragraph 0174, Line 5-10] in the group, the message to a group of users [Paragraph 0119] based on the parameters of each user (based on user's information as stated above [0034-0105]) that correlate to a rule associated with the message being transmitted [See Cases A to M].

Bottan's method does not explicitly teaches users being contacted by different alternative contact modes at different times or days as claimed. But Bottan's method discloses a plurality of alternative contact modes for each user [Paragraph 0159, Line 1-17] [Paragraph 0160, Line 1-5] [Paragraph 0163 & 0165] [Paragraph 0174, Line 5-10] based on user's predefined rules accessed by the subscriber ID [Paragraph 0143, Line 1-4] [Paragraph 0147, Line 4-8]. Bottan's method also discloses transmitting message to the user at different times or days [Paragraph 0155].

Dodrill discloses an notification method for contacting the user based on the user preferences stored in user subscriber profiles as claimed i.e., being notified by different contacts modes in different times or days [Column 2, Line 59- Column 3, Line 20].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify Bottan's method as taught by Dodrill method to notify users based on user preferences stored in user profile as claimed. One of ordinary skill in the art at the time of invention of made would have been motivated to do

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this to implement improved notification system to notify users efficiently i.e., reaching the users effectively.

2.2 Claim 15 is rejected for the same reason as stated above in Claim 1 rejection because modified method teaches as claimed. Bottan's method discloses defined groups (Group includes Family members, Friends, Physicians, Dentists, Pharmacists, Lawyers, Accounts and Financial advisors, Neighbors, Support groups, Service providers, work colleagues, key clients in Business network based on their business needs or information, members in organizations & School staff, parents, any individual or organizations as stated in [Paragraph 0034-0104], [cases A to M]) or (user's current location as stated in [Paragraph 0149, Line 1-3]) wherein users belongs to more than one group (for example, user is neighbors as well as school staff).

2.3 Claim 16 is rejected for the same reason as stated above in Claim 1 rejection because modified method teaches as claimed. Bottan's method teaches that only authorized user can modify parameters of said user profile [Paragraph 0147, Line 4-8].

2.4 Claim 17 is rejected for the same reason as stated above in Claim 1 rejection because modified method teaches as claimed. Bottan discloses the enabling steps as stated above in Claim 1 rejection further comprises:

i. providing registration procedure information to each of the persons via a web site [Paragraph 0174];

ii. providing an e-commerce platform for credit card payment for services provided by the support network and allied service providers (reads on step ii) [Paragraph 0174, Line 12-15].

Bottan also discloses a subscriber database 107 [Figure 1 & 4; Paragraph 0032, 0106, 0144, 0176] for storing subscriber data i.e., data of registered users who have paid for the service fees accordingly. Thus, Bottan's subscriber database indicates only paid registered users of the notification and response system (reads on Step iii).

2.5 Regarding Claim 4, modified method fails to disclose the user's social security number. However, Bottan's method clearly shows the correlation between the assigned unique ID with stored data in the user profile. Bottan's method also teaches populating new personal data in the user's profile [See Claim 1 rejection]. Moreover, identifying users with social security number is well known to one of ordinary skill in the art and still within the scope of invention.

Therefore, it would have been obvious to populate the new user's social security data field as taught by Bottan's method for correlating the user's social security number with the assigned unique ID. The claimed limitation of correlating the unique contact address to the user's social security as claimed is in the absence of criticality and do not constitute a patentably distinct limitation from modified method because modified

method shows the correlation between the subscriber ID and stored newly populated user profiles data.

3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US 20020042846A1) in view of Dodrill (US007069309B1) as applied above, further in view of Hettish (US 20050071506A1).

3.1 Regarding Claims 5-7, modified method also discloses telephone number & email address as alternative contact addresses [Bottan: Paragraph 0013]. Modified method fails to disclose instant message address. However, it is obvious to skill in the art that modified method has capability of instant messaging because modified method is the web based method. Modified method clearly teaches the concept of "setting the unique contact address" i.e., setting the subscriber identification value by providing the option of changing the subscriber identification value [Bottan: Step 203; Figure 2] [Bottan: Paragraph 0147, Line 4-10] [User defined contacts preferences in subscriber profile, Dodrill: Column 3, Line 5-15].

Hettish discloses multimedia systems and devices in which users can be contacted via instant message communications [See Background & summary] [See Figures].

Therefore, it would have been obvious to further modify the method as taught by Hettish to notify user via instant messenger as claimed. One of ordinary skill in the art

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at the time of invention of made to do this to implement improved notification system to make better choices regarding how to communicate and notify the users.

4. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US 20020042846A1) in view of Dodrill (US007069309B1) as applied above, further in view of Mardirossian (US 20040131160A1).

4.1 Regarding Claims 8-12, modified method does not explicitly disclose claimed parameters for defining groups of users as cited in Claims 8-12. However, modified method clearly teaches defining groups of users in user's profiles in which Group includes Family members, Friends, Physicians, Dentists, Pharmacists, Lawyers, Accounts and Financial advisors, Neighbors, Support groups, Service providers, work colleagues, key clients in Business network based on their business needs or information, members in organizations & School staff, parents, any individual or organizations as stated in [Bottan: Paragraph 0034-0104], [cases A to M]) or user's current location as stated in [Bottan: Paragraph 0149, Line 1-3];

Mardirossian's method comprises the creating unique contact address (i.e., voice print) [Figure 2 & 3] and storing steps for storing additional individual information [See Certificate 50; Figure 4] [Paragraph 0028] for identifying each of individuals for further notification and monitoring identified individual [Figure 2 & 3]. Mardirossian discloses certificate 50 which comprises telephone numbers, biometric data, psychological data,

contact addresses as well as other additional information which can be stored in any number N of data fields [Figure 4] [See Paragraph 0028].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify user profiles with group parameters as claimed in Claims 8-12 for defining groups for each subscriber as taught by Mardirossian's creating user's profile method. One of ordinary skill in the art at the time of invention was made to do this to provide improved group notification system based on better archived grouping method.

5. Claims 18 & 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US 20020042846A1) in view of Dodrill (US007069309B1) as applied above, further in view of Leukert-Knapp et al. (US 20040098459A1).

5.1 Regarding Claim 18, modified method does not explicitly disclose transmitting a confirmation message step although modified method and system has capabilities of responding to the received message via one of communications contact modes [Bottan: Paragraph 0159, Line 1-17] [Bottan: Paragraph 0160, Line 1-5] [Bottan: Paragraph 0163 & 0165] [Bottan: Paragraph 0174, Line 5-10].

Leukert-Knapp discloses alert notification system and method in which Leukert-Knapp method teaches the confirmed reception of notification message by received message 315 [Figure 2] transmitted from a received notification message user [Paragraph 0010, Line 7-10] [Paragraph 0034, 0043 & 0051].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the Bottan's method with the Leukert-Knapp's confirmed reception message method as stated above in order to assure receipt of emergency event messages as well as business related event messages [See Background of Leukert-Knapp] and to implement the reliable and cost efficient systems.

5.2 Regarding Claim 22, modified method teaches modified message transmission to other users in response to failure of receiving a confirmation message from a user after a predetermined time period [Leukert-Knapp; Paragraph 0010, transmitting to supervisor user] [Paragraph 0046, Step 450 & Paragraph 0051]. One skill in the art would realize that the content of further notification message to the supervisor user must have been modified.

5.3 Regarding Claim 23, modified method teaches claimed confirming step because modified method has to identify the user of the group that has confirmed reception of notification message by receipt message 315 [Figure 2] [Leukert-knapp; Paragraph 0043] [Also See Claim rejection 18 stated above].

5.4 Regarding Claim 24, modified method teaches that the confirmation message include unique message identification number as well as user identification number [Leukert-knapp; Paragraph 0043] (claimed pin number reads on user identification number).

6. Claim 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US 20020042846A1) in view of Dodrill (US007069309B1) as applied above, further in view of Leukert-Knapp et al. (US 20040098459A1) and Seshadri et al. (US 20040068481A1).

6.1 Regarding Claim 19, modified method does not explicitly disclose the step g; modifying the user's profile is based on parameters of received confirmation message sent by the user in which the confirmation message is in response to the broadcast message as claimed in Step e. However, modified method teaches that user profiles can be interactively added, deleted and modified at anytime by the subscribers using the web interface, WAP, voice response, etc. [Bottan's Abstract & Paragraph 0020, Line 15-18]. Modified Bottan's method also teaches that the confirmation message includes user identification [Leukert-Knapp reference: Paragraph 0043, Line 7-10].

Seshadria discloses a notification system and method employing with dynamic subscription access model [Figure 1] [Paragraph 0031]. Seshadria's method teaches claimed step g of Claim 19 in which subscriber profile for notification message delivery is modified based on the parameters of user's confirmation message (i.e., accepting or

rejecting the received incentive offers by the user would update the subscription information of user's profiles; Paragraph 0051, Line 12-18)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the method with the Seshadria's method as stated above to change the user's profiles based on the user's response. One of ordinary skill in the art would have been motivated to do this to promote various services such as providing unsolicited notices or advertisements [Seshadria; Paragraph 0050, Line 11-14].

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US 20020042846A1) in view of Dodrill (US007069309B1) as applied above, further in view of Leukert-Knapp et al. (US 20040098459A1) and Piccioni (US006842774B1).

7.1 Regarding Claim 20, modified method teaches transmitting of messages to other users [Leukert-Knapp; Paragraph 0047, Step 450] [Paragraph 0051]. However, modified method does not explicitly disclose transmitting modified messages is based on parameters of the confirmation message received from the user.

Piccioni discloses a method for situation tracking and notification in which Piccioni's method teaches the generation of further alerts and one or more notifications in response to the received alert by users of devices 12 [Column 5, Line 15-18] [Column 4, Line 64-65] [Column 3, Line 51-53].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the method with Piccioni's method to generate the modified notification message based on received message parameters from the user. One of ordinary skill in the art would have been motivated to do this to provide the updating and creation of emergency situation events in response to alerts generated by user's mobile devices [Piccioni; Column 1, Line 46-48].

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US 20020042846A1) in view of Dodrill (US007069309B1) as applied above, further in view of Leukert-Knapp et al. (US 20040098459A1) and Anderson et al. (US 20020178022A1).

8.1 Regarding Claim 21, modified method does not explicitly disclose that determination of message transmission in an alternative contact mode is in response to failure of receiving a confirmation message from a user after predetermined period elapsed. However, modified Bottan's method clearly teaches message transmission in an alternative contact mode [Bottan: Paragraph 0159] in case of transmission message failure in a first contact mode.

Anderson teaches Claimed Step g for making determination in transmitting message in another means (i.e., an alternate mode) after predetermined period elapsed [See Step 236 in Paragraph 0055 & 0056] after failing to receive a user response [See Step 238 in Paragraph 0056].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the method with Anderson's method as claimed determination step for message transmission in alternate mode. One of ordinary skill in the art would have been motivated to do this to assure the user receiving of urgent messages [Anderson; Paragraph 0056, Line 5-9].

9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US 20020042846A1) in view of Dodrill (US007069309B1) as applied above, further in view of Mardirossian (US 20040131160A1), further in view of in view of Leukert-knapp et al. (US 20040098459A1).

9.1 Modified Bottan's method fails to disclose biometric data although modified bottan's method discloses claimed confirming step by checking biometric data.

Mardirossian's method comprises the creating unique contact address (i.e., voice print) [Figure 2 & 3] and storing steps for storing additional individual information [See Certificate 50; Figure 4] [Paragraph 0028] for identifying each of individuals for further notification and monitoring identified individual [Figure 2 & 3]. Mardirossian teaches that certificate 50 comprises telephone numbers, biometric data, psychological data, contact addresses as well as other additional information which can be stored in any number N of data fields [Figure 4] [See Paragraph 0028].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify subscriber ID with biometric data as claimed as

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taught by Mardrossian method for claimed confirming step. One of ordinary skill in the art at the time of invention was made to do this to provide improved identification and information retrieving system in authorization process.


The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aung T. Win
Group Art Unit 2617
September 7, 2006


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SUPERVISORY PATENT EXAMINER
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